

United States District Court
Northern District of California

United State Of America
Plaintiff

vs.

FILED

AUG 21 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civ. No. [#] CV-08-3835-MHP/R

Notice of Motion for
Judicial Intervention
for an Order let issue
on Warden, et al. and
Legal Agents to provide
Defendant with Certified
Copy of Trust Account
Purs. to Court Order (Enbana
28 U.S.C. § 1651, R-821(a), § 1915,
- (d), F.R.C.P. §§ 11-110, 72-303, 83-
-183, 78-230(m) (In Ex parte)

Anthony R. Turner
Defendant.

Office of the Clerk, Honorable Justices and
Attorney General, "Respectfully"

- 1) That I (Anthony R. Turner) am the Defendant in this (Cause of Action) pursuant to Motion attacking illegal restraint (28 U.S.C. A. § 2255).
- 2) That on (Aug. 11, 2008) This Court issued an Order on Defendant to provide a "Certified" Prison Trust Account Sheet, for the Court's personal verification of Indigency for the last (12-months).
- 3) The Subordinate guards of (D.V.I.) Warden (Steve Moore) and his Librarian stated (they) are not in compliance to Gilmore v. California (2000), and will

not provide me physical access to the Prison Law Library to obtain Copies, to do legal research, nor provide Law Books nor a Paging System and I am locked in my cell for - 24 hrs. A Day (7-days) A Week in Cell HEAT OVER 100% DEGREES NO AIR-CONDITION IN NONE OF THE CELLS, NO EXERCISE outside the Cells Daily, and THAT AS A Receptional Center Prisoner I will not be provided by staff personnel NO legal assistance nor preparations to execute this Court's Order! Stated by the Warden's Subordinates and Legal Agents of D.V.I. Prison Receptional Center.

- 4) That I, Defendant have Completed all the Questions on the Informa Pauperis form, and the Legal Agents Refused to Certify My Trust Account.
- 5) In which this Court is the "only" Authority that can Enforce Compliance of the Warden of (D.V.I.) and his Agent to Comply.

- 6) I have Exhausted my Remedies and Requests by going to the above named Staff and Warden threw Request in the Administrative System.

- 7) This Prison is OVER it's MAXIMUM CAPACITY by 1,500-INMATES = 5000 INMATES. This prison holds 3,500 inmates, I am being Subject to inhumane conditions and Retaliation because I am Seeking my Release from illegal RESTRAINT, without DUE PROCESS OF LAW NOR ASSISTANCE.

8) Wherefore, Defendant Prays for Judicial Intervention and Enforcement of this Court's own orders on Warden of (D.V.I.) (Steve Moore) et.al. to comply to assistance and preparations in this Court's "Order" (8/11/08)

9) Defendant has provided this Court with an Interim Hauperis that was granted in the last (12-months) by the Eastern District Court, of Sacramento, Ca.

10) Defendant Prays this Court instruct the Warden and his dept. Employees to conform to this Court's Order and provide Defendant (Anthony R. Turner) with the legal assistance and preparations need to execute the Court's Order in full and obtain relief from Illegal Restraint of his liberty.
(Dated: Aug. 16, 2008) Respectfully, x Anthony R. Turner
(J. pro se)

Verification

11) I am the Defendant in this Action pursuant to Motion, I have read the statements herein, and declare under Penalty of Perjury that upon information and belief, these statements are true and correct. Dated: 8/16/08 Anthony R. Turner

E-filing

MHP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America
Plaintiff,

CV 08

3835

CASE NO. _____

vs.

Anthony R. Turner
Defendant.
#G-27511

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

(PR)

I, *Anthony R. Turner* declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No *X*

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: *Ø* Net: *Ø*

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 _____
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes ___ No X
 10 self employment
 11 b. Income from stocks, bonds, Yes ___ No X
 12 or royalties?
 13 c. Rent payments? Yes ___ No X
 14 d. Pensions, annuities, or Yes ___ No X
 15 life insurance payments?
 16 e. Federal or State welfare payments, Yes ___ No X
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____
 22 _____

23 3. Are you married? Yes ___ No X

24 Spouse's Full Name: N/A X

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ N/A

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes ___ No ☒

Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

6. Do you own an automobile? Yes ___ No ☒

Make N/A Year N/A Model X N/A

Is it financed? Yes N/A No X If so, Total due: \$ N/A

Monthly Payment: \$ 0

7. Do you have a bank account? Yes ___ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: 0

Present balance(s): \$ 0

Do you own any cash? Yes ___ No ☒ Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No ☒

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ___ No ☒

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

(b) Active under Litigation: U.S. East. Dist. Court. - Civ. 2:07-cv-00022-LKK-G6H-P; 08-1568-EFB; 8-07-0910-66B-G6H-P; 5-07-1461-68B-DAD-P; 5-07-00078-68B-CMK-P; 2:07-cv-00730-DFL-DAD.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

8/16/08
DATE

Anthony R. Turner
SIGNATURE OF APPLICANT

Case Number: _____

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of _____ for the last six months
[prisoner name]
_____ where (s)he is confined.

[name of institution]
I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ _____ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ _____.

Dated: _____

[Authorized officer of the institution]

2007 OCT 22 AM 8:19
RECEIVED
YOLO CO. SHERIFF'S DEPT
MONROE DETENTION

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY RICARDO TURNER,

Plaintiff,

No. CIV S-07-1461 GEB DAD P

vs.

ED PRIETO, et al.,

Defendants.

ORDER FOR PAYMENT

OF INMATE FILING FEE

To: The Chief Commander of the Yolo County Detention Facilities, 2500 East Gibson Road,
Woodland, CA 95776:

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff has been assessed an initial partial filing fee of \$4.00 for this action pursuant to 28 U.S.C. § 1915(b)(1). Upon payment of that initial partial filing fee, plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's trust account. The Chief Commander of the Yolo County Detention Facilities is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full. 28 U.S.C. § 1915(b)(2).

1 Good cause appearing therefore, IT IS HEREBY ORDERED that:

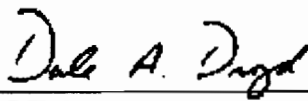
2 1. The Chief Commander of the Yolo County Detention Facilities or a designee
3 shall collect from plaintiff's trust account an initial partial filing fee in the amount of \$4.00 and
4 shall forward the amount to the Clerk of the Court. Said payment shall be clearly identified by
5 the name and number assigned to this action.

6 2. Thereafter, the Chief Commander of the Yolo County Detention Facilities or a
7 designee shall collect from plaintiff's trust account the \$346.00 balance of the filing fee by
8 collecting monthly payments from plaintiff's trust account in an amount equal to twenty percent
9 (20%) of the preceding month's income credited to the prisoner's trust account and forwarding
10 payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 in
11 accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the name
12 and number assigned to this action.

13 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
14 plaintiff's signed in forma pauperis affidavit on the Chief Commander of the Yolo County
15 Detention Facilities, 2500 East Gibson Road, Woodland, CA 95776.

16 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
17 Department of the court.

18 DATED: October 9, 2007.

19
20 
21 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

22 DAD:9
23 turn1461.yolo
24
25
26

*****NOTE TO PUBLIC ACCESS USERS*** There is no charge for viewing opinions.**

U.S. District Court

Eastern District of California – Live System

Notice of Electronic Filing

The following transaction was entered on 8/1/2007 at 3:20 PM PDT and filed on 8/1/2007

Case Name: (PC) Turner v. Prieto et al

Case Number: 2:07-cv-1461

Filer:

Document Number: 3

Docket Text:

ORDER signed by Judge Dale A. Drozd on 8/1/07 ORDERING Plaintiff to submit, within thirty days, either the \$350.00 filing fee or a properly completed IFP form. Clerk to send plaintiff new IFP form. (Attachments: # (1) IFP Form)(Anderson, J)

2:07-cv-1461 Electronically filed documents will be served electronically to:

2:07-cv-1461 Electronically filed documents must be served conventionally by the filer to:

Anthony Richardo Turner
0610061
Monroe Detention Center
2420 East Gibson Road
Woodland, CA 95776

The following document(s) are associated with this transaction:

FILED

AUG -8 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERKAnthony R. Turner

Plaintiff

vs.

Ed Prieto, et al.

Defendant(s)

**APPLICATION TO PROCEED
IN FORMA PAUPERIS
BY A PRISONER**CASE NUMBER: CIV. 2:07-CV-01461-GERB-DAD.

I, Anthony R. Turner, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. § 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated: ☒ Yes ☐ No (If "No" DO NOT USE THIS FORM)

If "Yes" state the place of your incarceration.

Monroe Sheriff's Dept. Detention Center, Woodland, CA. 95776

Have the institution fill out the Certificate portion of this application and attach a certified copy of your prison trust account statement showing transactions for the past six months.

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes" state the amount of your pay.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.

3. In the past twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment ☐ Yes ☒ No

b. Rent payments, interest or dividends ☐ Yes ☒ No

c. Pensions, annuities or life insurance payments ☐ Yes ☒ No

d. Disability or workers compensation payments ☐ Yes ☒ No

e. Gifts or inheritances ☒ Yes ☐ No

f. Any other sources ☐ Yes ☒ No

If the answer to any of the above is "Yes" describe by that item each source of money and state the amount received and what you expect you will continue to receive. Please attach an additional sheet if necessary.

4. Do you have cash or checking or savings accounts? ☐ Yes ☒ No

If "Yes" state the total amount: _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ☐ Yes ☒ No

If "Yes" describe the property and state its value. _____

6. Do you have any other assets? ☐ Yes ☒ No

If "Yes" list the asset(s) and state the value of each asset listed.

7. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

NO

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. § 1915(b)(2).

I declare under penalty of perjury that the above information is true and correct.

8-6-07

DATE

Anthony R. Turner
SIGNATURE OF APPLICANT

CERTIFICATE

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$.04 on account to his/her credit at Yolo County Sheriff's Department
MONROE DETENTION CENTER (name of institution). I further certify that during the past six months the applicant's average monthly balance was \$ 20.00. I further certify that during the past six months the average of monthly deposits to the applicant's account was \$ 20.00.

(Please attach a certified copy of the applicant's trust account statement showing transactions for the past six months.)

8-6-07

DATE

PURCELL #407

SIGNATURE OF AUTHORIZED OFFICER

*Anthony R. Turner, #9-27511
U.S. Prison Reception Center
P.O. Box 600
Mary, Calif. 95378-0600*



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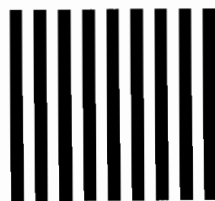
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UNITED STATES



8-15/08
[Signature]